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EXAMINER
SMITH, PETER J

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/859,425	DANG ET AL.
		Examiner	Art Unit
		Peter J Smith	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed on 10/14/2004.

2.   Claims 1-21 are pending in the case. Claims 1, 6, 11, 16, and 21 are independent claims.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 is directed towards a "carrier wave" which is non-statutory because it does not fit into any of the three statutory product classes because it is non-physical. See MPEP §2106:

> For the purposes of a 35 U.S.C. 101 analysis, it is of little relevance whether the claim is directed to a machine or a process. The legal principles are the same. AT &T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1357, 50 USPQ2d 1447, 1451 (Fed. Cir. 1999).
> (a) Statutory Product Claims
> Products may be either machines, manufactures, or compositions of matter.
>
> A *machine* is "a concrete thing, consisting of parts or of certain devices and combinations of devices." Burr v. Duryee, 68 U.S. (1 Wall.) 531, 570 (1863).
>
> A *manufacture* is "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties or combinations, whether by hand labor or by machinery." Chakrabarty, 447 U.S. at 308, 206 USPQ at 196-97 (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11 (1931)).
>
> A *composition of matter* is "a composition of two or more substances [or] . . . a[] composite article, whether [it] be the result[] of chemical union, or of mechanical mixture, or whether . . . [it] be [a] gas[], fluid[], powder[], or solid[]." Id. at 308, 206 USPQ at 197 (quoting Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 SPQ 265, 266 (D.D.C. 1957), aff 'd per curiam, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958)).
>
> If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., Lowry, 32 F.3d at 1583, 32 USPQ2d at 1034-35; Warmerdam, 33 F.3d at 1361-62, 31 USPQ2d at 1760. Office personnel must treat each claim as a whole. The mere fact that a hardware element is recited in a claim

does not necessarily limit the claim to a specific machine or manufacture. Cf. In re Iwahashi, 888 F.2d 1370, 1374-75, 12 USPQ2d 1908, 1911- 12 (Fed. Cir. 1989), cited with approval in Alappat, 33 F.3d at 1544 n.24, 31 USPQ2d at 1558 n.24.

A claim limited to a machine or manufacture, which has a practical application in the technological arts, is statutory. In most cases, a claim to a specific machine or manufacture will have a practical application in the technological arts. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557 ("the claimed invention as a whole is directed to a combination of interrelated elements which combine to form a machine for converting discrete waveform data samples into anti-aliased pixel illumination intensity data to be displayed on a display means. This is not a disembodied mathematical concept which may be characterized as an abstract idea,' but rather a specific machine to produce a useful, concrete, and tangible result."); and State Street, 149 F.3d at 1373, 47 USPQ2d at 1601 ("the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces a useful, concrete and tangible result' – a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades."). Also see AT &T, 172 F.3d at 1358, 50 USPQ2d at 1452 (Claims drawn to a long-distance telephone billing process containing mathematical algorithms were held patentable subject matter because the process used the algorithm to produce a useful, concrete, tangible result without preempting other uses of the mathematical principle.).

The three statutory product classes have traditionally required physical structure or matter. The claimed carrier wave has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine. The claimed carrier wave is not matter, but a form of energy, and therefore is not a composition of matter. A manufacture can be an article produced from raw or prepared materials by manipulating the raw or prepared materials. A manufacture is also defined as the residual class of product. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. Thus, the Examiner concludes that the claimed carrier wave is not one of the three statutory product classes.

5.   Additionally, independent claim 21 is directed towards a "control program usable for managing dynamic translation to a device for executing the control program" to perform instructions. As presently drafted, the claim reads on a computer program per se, which does not

constitute statutory subject matter as prescribed under 35 USC §101. Applicant could easily

render the claimed invention statutory by amending the preamble to recite "A control program

stored on a computer readable medium". The language in the preamble "A carrier wave

encoded" with the control program does not render the claim statutory because a carrier wave is

not a computer readable medium.

The language in the preamble, "usable for managing dynamic translation to a device for

executing the control program" does not render the claimed invention statutory because it in

effect constitutes intended use. See MPEP §2106:

> The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this
> subject matter that must be examined. As a general matter, the grammar and intended meaning of terms
> used in a claim will dictate whether the language limits the claim scope. Language that suggests or
> makes optional but does not require steps to be performed or does not limit a claim to a particular
> structure does not limit the scope of a claim or claim limitation. The following are examples of
> language that may raise a question as to the limiting effect of the language in a claim:
> (A)   statements of intended use or field of use,

Therefore, the intended use language does not limit the claim, and cannot be given patentable

weight or a cause for the preamble to be statutory. For these two reasons set forth in this and the

preceding paragraph 4, independent claim 21 is found by the Examiner to be non-statutory under

35 U.S.C. 101.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et**

al. (hereinafter "Tso"), US 6,421,733 B1 filed 9/8/1997 in view of Chan et al. (hereinafter

"Chan"), US 6,073,147 filed 6/10/1997.

Regarding independent claim 1, Tso teaches a client language storage for storing

language information associated with a client and a user in col. 8 lines 41-45. Tso teaches a

skeleton determining circuit for determining at least one skeleton content elements of a received

content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser

determines which elements need to be dynamically transcoded. Tso teaches a language storage

table for storing at least one translation of each of at least one skeleton content elements based on

the skeleton content element and a language in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8

lines 41-50. The parser identifies content elements requiring transcoding. Tso teaches in col. 8

lines 41-50 that the elements may be dynamically transcoded from one language to client or

user's preferred language. The translation of the elements must be performed by some form of

table to match the foreign language elements to the corresponding native language text elements.

Tso teaches a client and user determining circuit for determining a client and a user associated

with a content portion in col. 8 lines 41-45. Tso teaches a merging circuit for merging at least

one skeleton content elements based on the language associated with the determined client into

the received content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The

parser identifies which content elements need to be dynamically transcoded and replaces the

identified content elements with the appropriate translation. Content elements which do not

require a translation, such as a graphic element, are maintained by the parser and recombined

with the translated elements forming a merging of the translation into the content portion.

Tso does not teach wherein the at least one skeleton content elements include graphical content elements and textual content elements. Chan does teach a server maintaining both graphical content and textual content elements in col. 3 lines 36-45. The font server of Chan maintains both a bit-mapped and outline version of each character which respectively are graphic and text content versions. Chan teaches in fig. 3 and col. 4 lines 10-29 that a graphic glyph is transmitted to client computer for font characters which the client computer cannot display. Chan teaches in col. 6 lines 15-35 that Chan is well suited for displaying fonts of languages other than those for which a particular computer is configured. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Tso and Chan to have created the claimed invention. It would have been obvious and desirable to have used the mixed graphical and textual content teachings of Chan to have enhanced Tso to have been able to have presented fonts to a client which is not configured to display the fonts as is taught by Chan in col. 6 lines 15-35.

Regarding dependent claim 2, Tso teaches wherein the language table storage generates translated skeleton content elements using dynamic natural language translation in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso dynamically transcodes skeleton content elements identified by the parser from one natural language to another according to the embodiment described in col. 8 lines 41-50 thus implementing dynamic natural language translation.

Regarding dependent claim 3, Tso teaches wherein the client and user determining circuit determines at least one of a client identification and a user identification based on at least

one of internet protocol address information, session identifier information, name pairs/value

pairs and attribute/value pairs in col. 8 lines 41-45.

Regarding dependent claim 4, Tso teaches wherein the merged content portions are

stored using at least one of an electronic medium; a printed medium and a paper medium in fig.

3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are

stored as a web page, which can also be printed out by the client.

Regarding dependent claim 5, Tso teaches wherein the merged content portions are at

least one of an interactive electronic text, a printed text, an audio book, and a video book in fig.

3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are

stored as a web page, which can also be printed out by the client.

Regarding independent claim 6, Tso teaches receiving a content portion from a client in

fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso teaches determining at least one

of a client and a user associated with the content portion in col. 8 lines 41-45. Tso teaches

determining at least one skeleton content elements of the received content portion in fig. 3, col. 3

line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser determines which elements need to be

dynamically transcoded. Tso teaches determining at least one translated skeleton content

elements from a language table based on the determined at least one client and user in fig. 3, col.

3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies content elements requiring

transcoding. Tso teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded

from one language to client or user's preferred language. The translation of the elements must

be performed by some form of table to match the foreign language elements to the corresponding

native language text elements. Tso teaches merging the at least one translated skeleton content

elements into the content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50.

The parser identifies which content elements need to be dynamically transcoded and replaces the

identified content elements with the appropriate translation. Content elements which do not

require a translation, such as a graphic element, are maintained by the parser and recombined

with the translated elements forming a merging of the translation into the content portion.

Tso does not teach wherein the at least one skeleton content elements include graphical

content elements and textual content elements. Chan does teach a server maintaining both

graphical content and textual content elements in col. 3 lines 36-45. The font server of Chan

maintains both a bit-mapped and outline version of each character which respectively are graphic

and text content versions. Chan teaches in fig. 3 and col. 4 lines 10-29 that a graphic glyph is

transmitted to client computer for font characters which the client computer cannot display.

Chan teaches in col. 6 lines 15-35 that Chan is well suited for displaying fonts of languages other

than those for which a particular computer is configured. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have combined Tso and Chan to

have created the claimed invention. It would have been obvious and desirable to have used the

mixed graphical and textual content teachings of Chan to have enhanced Tso to have been able

to have presented fonts to a client which is not configured to display the fonts as is taught by

Chan in col. 6 lines 15-35.

Regarding dependent claim 7, Tso teaches wherein the translated skeleton content

elements are determined using at least one of dynamic natural language translation and language

table look up in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso dynamically

transcodes skeleton content elements identified by the parser from one natural language to

another according to the embodiment described in col. 8 lines 41-50 thus implementing dynamic

natural language translation. The parser identifies content elements requiring transcoding. Tso

teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded from one language

to client or user's preferred language. The translation of the elements must be performed by

some form of table to match the foreign language elements to the corresponding native language

text elements.

Regarding dependent claim 8, Tso teaches wherein the client and user is determined

based on at least one of internet protocol address information, session identifier information,

name pairs and value pairs in col. 8 lines 41-45.

Regarding dependent claim 9, Tso teaches wherein determining the merged content

portions produces at least one of an interactive text, a printed text, an audio book and a video

book in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions

of Tso are stored as a web page, which can also be printed out by the client.

Regarding dependent claim 10, Tso teaches wherein the merged content portions are

stored on at least one of an interactive text, a printed text, an audio book and a video book in fig.

3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are

stored as a web page, which can also be printed out by the client.

Regarding independent claim 11, Tso teaches receiving a content portion from a client

in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso teaches determining at least

one of a client and a user associated with the content portion in col. 8 lines 41-45. Tso teaches

determining at least one skeleton content elements of the received content portion in fig. 3, col. 3

line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser determines which elements need to be

dynamically transcoded. Tso teaches determining at least one translated skeleton content

elements from a language table based on the determined at least one client and user in fig. 3, col.

3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies content elements requiring

transcoding. Tso teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded

from one language to client or user's preferred language. The translation of the elements must

be performed by some form of table to match the foreign language elements to the corresponding

native language text elements. Tso teaches merging the at least one translated skeleton content

elements into the content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50.

The parser identifies which content elements need to be dynamically transcoded and replaces the

identified content elements with the appropriate translation. Content elements which do not

require a translation, such as a graphic element, are maintained by the parser and recombined

with the translated elements forming a merging of the translation into the content portion.

Tso does not teach wherein the at least one skeleton content elements include graphical

content elements and textual content elements. Chan does teach a server maintaining both

graphical content and textual content elements in col. 3 lines 36-45. The font server of Chan

maintains both a bit-mapped and outline version of each character which respectively are graphic

and text content versions. Chan teaches in fig. 3 and col. 4 lines 10-29 that a graphic glyph is

transmitted to client computer for font characters which the client computer cannot display.

Chan teaches in col. 6 lines 15-35 that Chan is well suited for displaying fonts of languages other

than those for which a particular computer is configured. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have combined Tso and Chan to

have created the claimed invention. It would have been obvious and desirable to have used the

mixed graphical and textual content teachings of Chan to have enhanced Tso to have been able

to have presented fonts to a client which is not configured to display the fonts as is taught by

Chan in col. 6 lines 15-35.

Regarding dependent claim 12, Tso teaches wherein the translated skeleton content

elements are determined using at least one of dynamic natural language translation and language

table look up in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso dynamically

transcodes skeleton content elements identified by the parser from one natural language to

another according to the embodiment described in col. 8 lines 41-50 thus implementing dynamic

natural language translation. The parser identifies content elements requiring transcoding. Tso

teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded from one language

to client or user's preferred language. The translation of the elements must be performed by

some form of table to match the foreign language elements to the corresponding native language

text elements.

Regarding dependent claim 13, Tso teaches wherein the client and user is determined

based on at least one of internet protocol address information, session identifier information,

name pairs and value pairs in col. 8 lines 41-45.

Regarding dependent claim 14, Tso teaches wherein determining the merged content

portions produces at least one of an interactive text, a printed text, an audio book and a video

book in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions

of Tso are stored as a web page, which can also be printed out by the client.

Regarding dependent claim 15, Tso teaches wherein the merged content portions are

stored on at least one of an interactive text, a printed text, an audio book and a video book in fig.

3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are stored as a web page, which can also be printed out by the client.

Regarding independent claim 16, Tso teaches a client language storage for storing language information associated with a client and a user in col. 8 lines 41-45. Tso teaches a skeleton determining circuit for determining at least one skeleton content elements of a received content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser determines which elements need to be dynamically transcoded. Tso teaches a language storage table for storing at least one translation of each of at least one skeleton content elements based on the skeleton content element and a language in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies content elements requiring transcoding. Tso teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded from one language to client or user's preferred language. The translation of the elements must be performed by some form of table to match the foreign language elements to the corresponding native language text elements. Tso teaches a client and user determining circuit for determining a client and a user associated with a content portion in col. 8 lines 41-45. Tso teaches a language determining circuit for determining the language associated with the client and user in col. 8 lines 41-50. Tso teaches two example methods of determining the client and user's language either through the use of preferences or the client's physical location. Tso teaches a merging circuit for merging at least one skeleton content elements based on the language associated with the determined client into the received content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies which content elements need to be dynamically transcoded and replaces the identified content elements with the appropriate translation. Content elements which do not

require a translation, such as a graphic element, are maintained by the parser and recombined with the translated elements forming a merging of the translation into the content portion.

Tso does not teach wherein the at least one skeleton content elements include graphical content elements and textual content elements. Chan does teach a server maintaining both graphical content and textual content elements in col. 3 lines 36-45. The font server of Chan maintains both a bit-mapped and outline version of each character which respectively are graphic and text content versions. Chan teaches in fig. 3 and col. 4 lines 10-29 that a graphic glyph is transmitted to client computer for font characters which the client computer cannot display. Chan teaches in col. 6 lines 15-35 that Chan is well suited for displaying fonts of languages other than those for which a particular computer is configured. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Tso and Chan to have created the claimed invention. It would have been obvious and desirable to have used the mixed graphical and textual content teachings of Chan to have enhanced Tso to have been able to have presented fonts to a client which is not configured to display the fonts as is taught by Chan in col. 6 lines 15-35.

Regarding dependent claim 17, Tso teaches wherein the language table storage generates translated skeleton content elements using dynamic natural language translation in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso dynamically transcodes skeleton content elements identified by the parser from one natural language to another according to the embodiment described in col. 8 lines 41-50 thus implementing dynamic natural language translation.

Regarding dependent claim 18, Tso teaches wherein the client and user determining circuit determines the client and user identifier based on at least one of internet protocol address information, session identifier information and name and value pairs in col. 8 lines 41-45.

Regarding dependent claim 19, Tso teaches wherein the merged content portions are stored using at least one of an electronic media; a printed media and a paper media in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are stored as a web page, which can also be printed out by the client.

Regarding dependent claim 20, Tso teaches wherein the merged content portions are at least one of an interactive electronic text, a printed text, an audio book, and a video book in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The merged content portions of Tso are stored as a web page, which can also be printed out by the client.

Regarding independent claim 21, Tso teaches carrier wave encoded to transmit a control program usable for managing dynamic translation to a device for executing the control program. Tso teaches receiving a content portion from a client in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. Tso teaches determining at least one of a client and a user associated with the content portion in col. 8 lines 41-45. Tso teaches determining at least one skeleton content elements of the received content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser determines which elements need to be dynamically transcoded. Tso teaches determining at least one translated skeleton content elements from a language table based on the determined at least one client and user in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies content elements requiring transcoding. Tso teaches in col. 8 lines 41-50 that the elements may be dynamically transcoded from one language

to client or user's preferred language. The translation of the elements must be performed by some form of table to match the foreign language elements to the corresponding native language text elements. Tso teaches merging the at least one translated skeleton content elements into the content portion in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50. The parser identifies which content elements need to be dynamically transcoded and replaces the identified content elements with the appropriate translation. Content elements which do not require a translation, such as a graphic element, are maintained by the parser and recombined with the translated elements forming a merging of the translation into the content portion. Tso also teaches transmitting the merged at least one translated skeleton content elements and the content portion to the device in fig. 3, col. 3 line 31 – col. 4 line 37, and col. 8 lines 41-50.

Tso does not teach wherein the at least one skeleton content elements include graphical content elements and textual content elements. Chan does teach a server maintaining both graphical content and textual content elements in col. 3 lines 36-45. The font server of Chan maintains both a bit-mapped and outline version of each character which respectively are graphic and text content versions. Chan teaches in fig. 3 and col. 4 lines 10-29 that a graphic glyph is transmitted to client computer for font characters which the client computer cannot display. Chan teaches in col. 6 lines 15-35 that Chan is well suited for displaying fonts of languages other than those for which a particular computer is configured. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Tso and Chan to have created the claimed invention. It would have been obvious and desirable to have used the mixed graphical and textual content teachings of Chan to have enhanced Tso to have been able

to have presented fonts to a client which is not configured to display the fonts as is taught by

Chan in col. 6 lines 15-35.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-21 regarding the limitation wherein the at

least one skeleton content elements include graphical content elements and textual content

elements have been considered but are moot in view of the new ground(s) of rejection. The

Examiner has found and applied the prior art of Chan et al. to teach this amended claim

limitation.

9.   Applicant's arguments filed 10/14/2004 have been fully considered but they are not

persuasive. Regarding Applicant's argument in pages 7 and 8 that Claim 21 satisfies 35 U.S.C.

101, the Examiner respectfully disagrees. The carrier wave of Claim 21 is not embodied on

hardware and thus is not a statutory computer readable medium. Regarding Applicant's

argument in page 9 that Tso et al. does not teach or suggest a language determining circuit for

determining the language associated with the client and the user, the Examiner respectfully

disagrees. Tso discloses two methods by which the transcoding system may determine the client

and user's native language in col. 8 lines 41-50. The native language may be determined either

by user preferences or by the physical location of the network client.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The

examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

PJS
12/22/2004